

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7987 of 2012

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Nila Devi @ Kumari Nila W/O Lakhendra Pandit R/O Vill.-Daudnagar, P.O.
Daudnagar, P.S.-Vaishali, Dist.-Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar And Ors
2. The District Magistrate, Vaishali At Hajipur
3. The District Programme Officer, Vaishali At Hajipur
4. The District Welfare Officer, Vaishali At Hajipur
5. The Child Development Project Officer, Vaishali Block, P.S. Vaishali, Dist.-Vaishali
6. The Mukhia, Daudnagar Panchayat P.S. Vaishali, Dist.-Vaishali
7. The Panchayat Sachiv, Daudnagar Panchayat, P.S.-Vaishali, Dist.-Vaishali
8. Babita Kumari W/O Ajay Kuamr Resident Of Village-Daudnagar, P.S.-Vaishali, Dist.-Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No.II, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG. 13
		Mrs. Sunita Kumari, A.C. TO AAG. 13
For the Respondent no. 8 :		Mr. Pankaj Kumar Sinha, Advocate
		Mr. Aatish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 30-10-2023

Heard learned counsel for the petitioner, learned counsel appearing on behalf of Respondent No. 8 as well as for the State.

2. The present writ petition has been filed for quashing the order dated 30.01.2012 (Annexure-1) passed by the respondent no. 1 in service appeal no. 158 of 2011 filed by respondent no. 8 by which the appeal has been allowed by



setting aside the order dated 01.06.2011 passed by the District Magistrate, Vaishali in case no. 34/2010-11 and direction has been issued to appoint the respondent no. 8 on the post of Anganwari Sevika at the centre bearing code no. 44 in the Panchayat Raj Daudnagar, District- Vaishali.

3. Learned counsel appearing on behalf of the State had placed on record the judgment rendered by the learned Division Bench of this Court in the case of **Babita Kumari v. The State of Bihar and others**, reported in **2016 SCC Online Pat 9434**, paragraphs no. 7 and 8 whereof are reproduced herein below:-

"7. Having considered the rival contentions, we do not find any merit in the present appeal. The charges against the appellant were very clear as would be apparent from the show cause dated 22.02.2012, which was issued in light of the findings in the enquiry report as well as the relevant documents/registers which were required to be maintained at the Centre. Reply given by the appellant, copy of which has been brought on record, does not indicate any justification and rather it has been stated that on 24.09.2011 at the time of Inspection, the children were still coming and on 07.10.2011, she herself had gone to call the children and during that time the inspection was held. It was further stated by the



appellant that on 30.09.2011 she had become ill due to being drenched by rain. We find that such explanation is vague and evasive and does not inspire confidence. The spirit and object of running Anganbadi Centres cannot be overemphasized and the purpose is to ensure the welfare of children from the lowermost and deprived strata of society. Any lapse in execution of the said scheme has to be taken very seriously. Closure of even one day entails the beneficiaries going without their meals, which cannot be overlooked. Thus, we do not find any infirmity in the decision of the authorities cancelling her selection as well as the procedure adopted by them prior to passing such order.

8. For the reasons aforesaid, the Letters Patent Appeal, being devoid of merit, stands dismissed."

3. He has further referred to the judgment of Division Bench of this Court in the case of **Neetu Kumari v. The State of Bihar and others**, reported in **2011 (4) PLJR 20**, paragraphs no. 4 and 5 whereof are reproduced herein below:-

"4. In our considered view, the post of Anganbari Sevika is not a post having security of tenure or protection under Article 311 of Constitution of India. Considering the very nature of engagement which provides of



honorarium, we are of the view that in case the appellant still feels aggrieved, she may approach the Civil Court for damages. There is nothing at stake in such a scheme other than honorarium. For such contractual engagements the relief of reinstatement is not appropriate and even if there is breach of the scheme or any other principle of law, the claim should ordinarily be permitted, if found good on merits, only for damages.

5. The appeal is dismissed."

5. Considering the law laid down by the learned Division Bench of this Court, as aforesaid, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

6. The writ petition stands dismissed as not pressed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	Nil
Uploading Date	01.11.2023
Transmission Date	Nil

